

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. SECURITIES AND EXCHANGE  
COMMISSION,

Applicant,

v.

DANE S. FABER,

Respondent

No. CV-09-80018 MMC MISC

**ORDER DIRECTING APPLICANT TO  
SERVE RESPONDENT AND NOTICE  
APPLICATION FOR HEARING**

Before the Court is the U.S. Securities and Exchange Commission's ("Commission") "Application under Section 21(e)(1) of the Securities Exchange Act of 1934 for an Order Directing Compliance with an Order of the Securities and Exchange Act," filed February 10, 2009, by which the SEC seeks, pursuant to 15 U.S.C. § 78u(e)(1), an order directing respondent Dane S. Faber ("Faber") to comply with an order issued by the Commission on February 10, 2004.

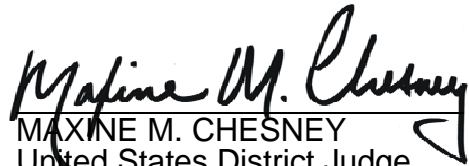
In its application, the Commission states that it will serve the instant application on Faber, and requests that the Court establish a briefing schedule and designate a hearing date. In this District, "all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion." See Civil L. R. 7-3(a); S.E.C. v. McCarthy, 322 F.2d 650, 660 (9th Cir. 2003)

1 (providing party seeking relief under § 78u(e)(1) must comply with district court's local rules  
2 pertaining to noticing motions for hearing). Civil motions are heard by the undersigned on  
3 Fridays at 9:00 a.m.

4 Accordingly, the Commission is hereby DIRECTED to serve its application on Faber,  
5 and notice the application for hearing on a Friday not less than 35 days after service of the  
6 motion.

7 **IT IS SO ORDERED.**

8  
9 Dated: February 27, 2009

  
MAXINE M. CHESNEY  
United States District Judge